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10/612,398	07/01/2003	Markus Aholainen	944-004.030	3214

			EXAMINER
4955 7590 11/14/2006			PHUONG, DAI

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ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/612,398	AHOLAINEN ET AL.
	Examiner	Art Unit	
	Dai A. Phuong	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>19 September 2006</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,3-10,13,15,17,18 and 25-49</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,3-10,13,15,17,18 and 25-49</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>01/07/2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's arguments filed 09/19/2006 have been fully considered but they are not

persuasive. Claims 1-21 are currently pending. Claims 2, 11-12, 14, 16 and 19-24 have been

canceled. Claim 1, 3-10, 13, 15, 17-18 and 25-49 are currently pending.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an
> application for patent by another filed in the United States before the invention by the applicant for patent, except
> that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes
> of this subsection of an application filed in the United States only if the international application designated the
> United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 27, 32, 34, 39-40, 42 and 44 are rejected under 35 U.S.C. 102(e) as being

anticipated by Fukasawa et al. (Pub. No: 20060133307).

Regarding claim 27, Fukasawa et al. disclose a method, comprising:

storing in a contacts bearer data store 40 a plurality of bearers forming a list of possible

bearers for a contact that is indicated by an identifier in the contacts bearer data store (fig. 7,

[0110]-[0118]. Specifically, Fukasawa et al. disclose the application/bearer management unit 22

divides into a memory unit adapted 40 to store *a bearer configuration table and a bearer*

selection table and the registration unit 42 will receive *notification of active bearers* and active

applications which information is preferably stored in the memory unit 40, e.g., the bearer

configuration table and the bearer selection table.   Furthermore, Fukasawa disclose that when

mobile endpoint 12 performs an outgoing call, e.g. voice call or download image; and an

application/bearer management detects an active application (voice call or download image)

based on the outing call. From the active application, the application/bearer management used a

bearer configuration table and a bearer selection table (see Fig. 9 to Fig. 13) to assign at least one

of plurality available bearers (see paragraph 0081 to paragraph 0082), e.g. GSM-A, GSM-B,

WLAN and GPRS-B, corresponding to the active application (voice call or download image). It

should be noted that the table including association information, e.g. bandwidth, latency, BER,

reliability and cost. It is inherent that the association information including a network address of

each bearer for connection between mobile endpoint and bearers),

wherein the bearers are for use in communicating with the contact and are stored in the

contacts bearer data store so as to be associated with the contact via the identifier (fig. 7, [0110]-

[0118]. Specifically, Fukasawa et al. disclose the registration unit 42 will receive notification of

active bearers and active applications which information is preferably stored in the memory unit

40, e.g., the bearer configuration table and the bearer selection table. In a subsequent step S16

the bearer assignment modification unit 44 will detect on a change of active bearers and/or active

applications); and

selecting a bearer for the contact from the list of possible bearers for the contact based on the

identifier (fig. 3, [0093]-[0095] Specifically, Fukasawa et al. disclose to assign the next active

application to an available bearer service according to predefined rules; and fig. 6, [0110]-

[0118]. Specifically, Fukasawa et al. disclose disclose the registration unit 42 will receive

notification of active bearers and active applications which information is preferably stored in

the memory unit 40, e.g., the bearer configuration table and the bearer selection table), and

attempting to establish communication with the contact using the selected bearer (fig. 3, [0093]-[0095] and fig. 6, [0110]-[0118]).

Regarding claim 32, this claim is rejected for the same reason as set forth in claim 27.

Regarding claim 34, this claim is rejected for the same reason as set forth in claim 27.

Regarding claim 39, Fukasawa et al. disclose a method for use by a wireless communication device (fig. 1, [0078] to [0083]), comprising: receiving an input from a user of the wireless communication device 12 indicating a command for contacting a second user 14 (fig. 1, [0078] to [0088]. Specifically, Fukasawa et al. disclose a mobile endpoint 12 accesses to a service endpoint 14 via a heterogeneous wireless communication 10. A middle platform 16 dynamically adjusts at least one bearer service provided to the heterogeneous wireless communication 10 according to an operational of the mobile endpoint 12); obtaining association information relating to contacting the second user 14 (fig. 2, [0087] to [0090]. Specifically, Fukasawa et al. disclose the middleware platform 16 is adapted to dynamically adjust at least one bearer service provided to the heterogeneous wireless network 10 according an operational context of the mobile endpoint 12; and fig. 7, [0110]-[0118]. Specifically, Fukasawa et al. disclose the application/bearer management unit 22 divides into a memory unit adapted 40 to store *a bearer configuration table and a bearer selection table* and the registration unit 42 will receive *notification of active bearers* and active applications which information is preferably stored in the memory unit 40, e.g., the bearer configuration table and the bearer selection table), wherein the association information includes at least two possible bearers for establishing a wireless communication connection with any of one or more devices of the second user (fig. 7, [0110]-[0118]. Specifically, Fukasawa et al. disclose the application/bearer management unit 22 divides

into a memory unit adapted 40 to store *a bearer configuration table and a bearer selection table* and the registration unit 42 will receive *notification of active bearers* and active applications which information is preferably stored in the memory unit 40, e.g., the bearer configuration table and the bearer selection table), and the association information is related to contacting the second user via an identifier of the second user included with or indicated in the association information (fig. 7, [0110] to [0118]. Specifically, Fukasawa et al. disclose the registration unit 42 will receive notification of active bearers and active applications which information is preferably stored in the memory unit 40, e.g., the bearer configuration table and the bearer selection table); selecting one of the at least two possible bearers for contacting the second user 14 based on the identifier (fig. 7, [0110] to [0118]. Specifically, Fukasawa et al. disclose the registration unit 42 will receive notification of active bearers and active applications which information is preferably stored in the memory unit 40, e.g., the bearer configuration table and the bearer selection table); and attempting to establish communication with the second user by initializing a wireless communication connection via the selected bearer (fig. 3, [0092] to [0095] and fig. 6 to fig. 8, [0110] to [0119]).

Regarding claim 40, Fukasawa et al. disclose a all the limitation in claim 39. Further, Fukasawa et al. disclose a method wherein the selecting of a bearer is based on a predetermined selection strategy 14 (fig. 2, [0087] to [0090]).

Regarding claim 42, this claim is rejected for the same reason as set forth in claim 39.

Regarding claim 44, this claim is rejected for the same reason as set forth in claim 39.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1, 3-10, 13, 15, 17-18, 25-26, 28-31, 33, 35-38, 41, 43 and 45-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukasawa et al. (Pub. No: 20060133307) in view of Kukkohovi (U.S. 6119003).

Regarding claim 1, Fukasawa et al. disclose a method for a communication device 12 (fig. 1, [0078]-[0083]), comprising:

storing in a contacts bearer data store association information for a contact that is indicated in the contacts bearer data store by an identifier (fig. 7, [0110]-[0118]. Specifically, Fukasawa et al. disclose the registration unit 42 will receive notification of active bearers and active applications which information is preferably stored in the memory unit 40, e.g., the bearer configuration table and the bearer selection table),

the association information including a list of at least two possible bearers for providing a connection to the contact (fig. 7, [0110]-[0118]. Specifically, Fukasawa et al. disclose the registration unit 42 will receive *notification of active bearers* and active applications which information is preferably stored in the memory unit 40, e.g., the bearer configuration table and the bearer selection table),

wherein each of the at least two possible bearers for the contact is stored so as to be associated with the contact via the identifier for the contact (fig. 3, [0092] to [0095]. Specifically, Fukasawa et al. disclose the bearer capability detection unit 20 is adapted to detect available bearer services and/or related bearer capabilities. The application/bearer management unit 22 is

adapted to manage and provide at least one bearer service for at least one active application running at the mobile endpoint and fig. 7, [0110]-[0118]. Specifically, Fukasawa et al. disclose the registration unit 42 will receive notification of active bearers and active applications which information is preferably stored in the memory unit 40, e.g., the bearer configuration table and the bearer selection table); and

selecting from the contacts bearer data store one of the at least two possible bearers for the contact based on the identifier (fig. 3, [0092] to [0095]. Specifically, Fukasawa et al. disclose the bearer capability detection unit 20 is adapted to detect available bearer services and/or related bearer capabilities. The application/bearer management unit 22 is adapted to manage and provide at least one bearer service for at least one active application running at the mobile endpoint) and either based on a predetermined selection strategy (fig. 9 to fig. 13, [0088] to [0090]. Specifically, Fukasawa et al. disclose the middleware platform 16 is adapted to dynamically adjust at least one bearer service provided to the heterogeneous wireless network 10 according an operational context of the mobile endpoint 12 and [0118] to [0130]);

wherein the apparatus is configured to select the bearer for the contact automatically without requiring an input by a user of the communication device ([0088] to [0090]. Specifically, Fukasawa et al. disclose the middleware platform 16 is adapted to dynamically adjust at least one bearer service provided to the heterogeneous wireless network 10 according an operational context of the mobile endpoint 12 and [0118] to [0130]).

However, Fukasawa et al. do not disclose based on trying each of the at least two possible bearers in turn until the connection is made.

In the same field of endeavor, Kukkohovi discloses based on trying each of the at least two possible bearers in turn until the connection is made (col. 4, lines 42-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile endpoint of Fukasawa et al. by specifically including based on trying each of the at least two possible bearers in turn until the connection is made, as taught by Kukkohovi, the motivation being in order to provide an to automatic mode selection in a terminal for connecting to different networks.

Regarding claim 3, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 1. Further, Fukasawa et al. disclose a method further characterized by comprising: referring to an owner bearer data store to obtain a list of bearers available for use in establishing a connection to another communication device and determining a list of both possible and available bearers for the contact by eliminating from the list of possible bearers for the contact any bearer that does not occur on the list of available bearers (fig. 8 to fig. 13, [0114] to [0130]).

Regarding claim 4, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 1. Further, Fukasawa et al. disclose a method wherein a public source of contact information is used in obtaining the association information (fig. 8 to fig. 13, [0114] to [0130]).

Regarding claim 5, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 1. Further, Kukkohovi discloses a method wherein in obtaining the association information, a second device communicates to the device the association information

needed by the automatically selecting a bearer for communication with the contact (col. 4, lines 42-59).

Regarding claim 6, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 1. Further, Fukasawa et al. disclose a method wherein the predetermined selection strategy indicates selecting a bearer based on at least one of the following selection criteria: acceptable price; acceptable bandwidth; acceptable latency; as ordered in a list hosted in the device; fastest to connect when the first device attempts to make different connections in parallel via different possible bearers; wherein the acceptable price, acceptable bandwidth, and acceptable latency are as compared to predetermined thresholds for price, bandwidth and latency ([0105]; [0118] and [0130]).

Regarding claim 7, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 6. Further, Kukkohovi discloses a method wherein the predetermined threshold for latency indicates a minimum quality of service requirement for the connection (col. 5, lines 60 to col. 6, line 8).

Regarding claim 8, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 7. Further, Kukkohovi discloses further comprising periodically comparing the quality of service to the minimum quality of service requirement during communication via the connection and initiating a bearer change if the quality of service is no longer sufficient (col. 5, lines 60 to col. 6, line 8).

Regarding claim 9, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 1. Further, Fukasawa et al. disclose wherein the association information

includes a bearer identifier for each of at least two different bearers both associated with same second device ([0088] to [0098]).

Regarding claim 10, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 1. Further, Fukasawa et al. disclose a method wherein the association information for each bearer further includes an indication of the contact, a bearer identifier, and an address for use with each the bearer ([0093] to [0095]).

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 17, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 1. Further, Fukasawa et al. disclose a method wherein the predetermined selection strategy indicates selecting a bearer based on at least one of the following selection criteria: acceptable price ([0105]; [0118] and [0130]); acceptable bandwidth ([0105]; [0118] and [0130]); acceptable latency ([0105]; [0118] and [0130]); and fastest to connect and wherein the acceptable price ([0105]; [0118] and [0130]), acceptable bandwidth ([0105]; [0118] and [0130]), and acceptable latency are as compared to predetermined thresholds for price, bandwidth and latency([0105]; [0118] and [0130]). Further, Kukkohovi discloses as ordered in a list hosted in the communication device (col. 4, lines 36-59).

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 25, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 26, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 28, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 29, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 1. Further, Fukasawa et al. disclose a method wherein the selecting of a bearer for the contact is based also on a predetermined selection strategy ([0087] to [0090]). However, Fukasawa et al. do not disclose based also on trying each of the possible bearers in turn until a connection is made for communication with the contact.

In the same field of endeavor, Kukkohovi discloses based also on trying each of the possible bearers in turn until a connection is made for communication with the contact (col. 4, lines 42-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile endpoint of Fukasawa et al. by specifically including based also on trying each of the possible bearers in turn until a connection is made for communication with the contact, as taught by Kukkohovi, the motivation being in order to provide an to automatic mode selection in a terminal for connecting to different networks.

Regarding claim 30, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 31, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 33, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 35, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 36, this claim is rejected for the same reason as set forth in claim 29.

Regarding claim 37, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 38, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 41, Fukasawa et al. disclose a all the limitation in claim 39. However, Fukasawa et al. do not disclose a method wherein the selecting of a bearer is based on trying

each of the possible bearers in turn until a connection is made for communication with the second user.

In the same field of endeavor, Kukkohovi discloses a method wherein the selecting of a bearer is based on trying each of the possible bearers in turn until a connection is made for communication with the second user (col. 4, lines 42-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile endpoint of Fukasawa et al. by specifically including a method wherein the selecting of a bearer is based on trying each of the possible bearers in turn until a connection is made for communication with the second user, as taught by Kukkohovi, the motivation being in order to provide an to automatic mode selection in a terminal for connecting to different networks.

Regarding claim 43, this claim is rejected for the same reason as set forth in claim 29.

Regarding claim 45, this claim is rejected for the same reason as set forth in claim 40.

Regarding claim 46, this claim is rejected for the same reason as set forth in claim 41.

Regarding claim 47, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 48, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 1. Further, Fukasawa et al. disclose a method further comprising receiving an input from a user of the communication device indicating a command to provide a connection for communication with the contact ([0087] to [0090]).

Regarding claim 49, this claim is rejected for the same reason as set forth in claim 48.

Response to Argument

6.   Applicant, on page 13 of his response, argues that Fukasawa does not teach storing an associated contact and there is simply no teaching or suggestion of storing a list of bearers for a particular contact. However, the Examiner disagrees. First, Fukasawa disclose that when mobile endpoint 12 performs an outgoing call, e.g. voice call or download image; and an application/bearer management detects an active application (voice call or download image) based on the outing call. From the active application, the application/bearer management used a bearer configuration table and a bearer selection table (see Fig. 9 to Fig. 13) to assign at least one of plurality available bearers (see paragraph 0081 to paragraph 0082), e.g. GSM-A, GSM-B, WLAN and GPRS-B, corresponding to the active application (voice call or download image) (see paragraph 115 to paragraph 128). It should be noted that the table including association information, e.g. bandwidth, latency, BER, reliability and cost. It is inherent that the association information including a network address of each bearer for connection between mobile endpoint and bearers. The applicant's attention is directed to the disclosure of the reference Fukasawa et al., paragraph 0094 to paragraph 0148.

        Second, Applicant used a particular words recited in the claim, e.g. *"association information" and "contact"*. During patent examination, the pending claims must be given their broadest reasonable interpretation. In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550- 51 (CCPA 1969). The broadest reasonable interpretation of the claims must also be

consistent with the interpretation that those skilled in the art would reach. In re Cortright, 165

F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). See MPEP 2111. Third, In response

to applicant's argument that the references fail to show certain features of applicant's invention,

it is noted that the features upon which applicant relies (i.e., "storing an associated contact" and

"storing a list of bearers for a particular contact") are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.

1993).

Applicant, on page 14 of his response, argues that Fukasawa does not disclose trying each

of at least two possible bearers for a contact in turn until a connection is made. However, the

Examiner disagrees. First, in response to applicant's arguments against the references

individually, one cannot show nonobviousness by attacking references individually where the

rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Additionally, Fukasawa disclose that where active applications are assigned to available bearers

(please see paragraph 115 to paragraph 0128).

Second, Kukkohovi discloses the terminal 10 is using its preferred or primary network

(the first one in the ordered list 24A), then it stays connected to the primary network until the

network is no longer available (connection lost, coverage too weak etc.), and/or until some other

criterion is met or other criteria are met, as will be described below. The terminal 10 then begins

scanning for the second network (i.e., the secondary network) in the ordered priority list 24A. If

the secondary network is found a connection is then made to the secondary network, and the

current connection to the highest priority network is disconnected. If the connection to the secondary network fails, or if no secondary network is found, *the terminal 10 attempts to locate a third network in the ordered list 24A* (if present in the ordered list).

Third, claim recited "selecting from the contacts bearer data store one of the at least two possible bearers for the contact based on the identifier and *either* based on a predetermined selection strategy *or* based on trying each of the at least two possible bearers in turn until the connection is made". Therefore, these references need to meet one of these limitations. On the hand, Fukasawa discloses to select available bearers, e.g. GSM-A, GPRS, WLAN and GSM-B, based on a predetermined selection strategy, e.g. bandwidth and/or latency and/or BER and/or reliability and/or cost (see Fig. 12 to Fig. 16, paragraph 115 to paragraph 128). Further, Kukkohovi discloses the terminal 10 is using its preferred or primary network, then it stays connected to the primary network until the network is no longer available (connection lost, coverage too weak etc.), and/or until some other criterion is met or other criteria are met, as will be described below. The terminal 10 then begins scanning for the second network (i.e., the secondary network) in the ordered priority list 24A. If the secondary network is found a connection is then made to the secondary network, and the current connection to the highest priority network is disconnected. If the connection to the secondary network fails, or if no secondary network is found, *the terminal 10 attempts to locate a third network in the ordered list 24A* (if present in the ordered list).

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2617
Date: 11-07-2006

DUC M. NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600